

Abstract

This thesis analyses *Security Interest in Real Estate*. The thesis is structured into 11 chapters. *In the initial chapters*, it deals generally with securing and subsequently the pledge in which the pledge concept and history, the legal regulation sources and the function of pledge are introduced to make the reader acquainted with the context necessary.

In the following three chapters, attention is paid to the defining features of pledge, i.e. the definition of collateral (with a focus on immovable property), pledges and secured debt.

A considerable space is devoted to the creation of pledge, where the author analyses the titles for the creation of pledge, which are an agreement, a decision of a public authority and a statute. This chapter further provides an overview of pledge creation modes. The modes are dependant on whether pledge on real estate registered or not registered should be established. Considering the growing of legal relations digitalization, electronic contraction is also elaborated on.

Since the life of the pledge is not limited to its creation, (eventual) execution and extinction, *chapter Seven* also deals with the rights and obligations of pledges.

Chapter Eight analyses the exercise of pledge, as being the fundamental part regarding the changes adopted in Civil Code. The chapter is devoted to general questions and the legal framework of the exercise of pledge, the possible ways of its realization, not only by means of previously used sales of pledge in the public auction and the judicial sales of pledge, but also with a special attention focused on a possible private pledge mitigation. Agreements on private pledge mitigation are analysed in context with the prohibited arrangements as set out by the Civil Code.

In the final chapters the author looks into the extinction of lien, a possible limitation and eventual relative ineffectiveness. *In conclusion*, the author presents a preview of the new legal regulation of the pledge in the Civil Code, its benefits and possible shortcomings, and also several *de lege ferenda* considerations.